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15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 ALLSTATE INSURANCE COMPANY,
ALLSTATE PROPERTY & CASUALTY
18 INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, and ALLSTATE
19 FIRE & CASUALTY INSURANCE
COMPANY,

20 Plaintiffs,

21 v.

22 RUSSELL J. SHAH, MD, DIPTI R. SHAH,
23 MD, RUSSELL J. SHAH, MD, LTD., DIPTI
R. SHAH, MD, LTD., and RADAR
24 MEDICAL GROUP, LLP dba UNIVERSITY
URGENT CARE, DOES 1-100, and ROES
25 101-200,

26 Defendants.

27 AND RELATED CLAIMS
28

CASE NO. 2:15-cv-01786-APG-DJA

**STIPULATION AND ORDER TO
SUBSTITUTE REDACTED EXHIBITS IN
SUPPORT OF ALLSTATE'S RESPONSE
TO RADAR PARTIES' MOTION FOR
SUMMARY JUDGMENT [Doc. 460]**

**STIPULATION AND ORDER TO SUBSTITUTE REDACTED EXHIBITS IN SUPPORT
OF ALLSTATE'S RESPONSE TO RADAR PARTIES' MOTION FOR SUMMARY
JUDGMENT (Doc. 460)**

Plaintiffs/Counterdefendants ALLSTATE INSURANCE COMPANY, ALLSTATE PROPERTY & CASUALTY COMPANY, ALLSTATE INDEMNITY COMPANY, and ALLSTATE FIRE & CASUALTY COMPANY (hereinafter collectively referred to as "Allstate"), and Defendants and Counterclaimant RUSSELL J. SHAH, M.D., DIPTI R. SHAH, M.D., RUSSELL J. SHAH, M.D., LTD., DIPTI R. SHAH, M.D., LTD., and RADAR MEDICAL GROUP, LLP d/b/a UNIVERSITY URGENT CARE (hereinafter collectively referred to as the "Radar Parties"), by and through their respective counsel of record stipulate and agree as follows:

1. On March 10, 2023, the Honorable Court issued an Order Granting in Part Motion to Seal Exhibits (ECF No. 545) with respect to Allstate's Motion to Seal Exhibits in Response to the Radar Parties' Motion for Summary Judgment (ECF No. 512). The Court, having considered the public's right to inspect and copy judicial records, issued instructions to the parties to meet and confer about redactions of the at-issue exhibits and whether any portions of said exhibits should be sealed or redacted.

2. In compliance with the Court's Order, the parties met and conferred and reached an agreement as to redactions of certain exhibits submitted in support of Allstate's Response (ECF No. 511) to the Radar Parties' Motion for Summary Judgment Regarding Allstate's Failure to File an Answer to the Amended Counterclaims (ECF No. 457).

3. The parties hereby stipulate to the substitution of Allstate's Appendix of Exhibits to Allstate's Response to Radar Parties' Motion for Summary Judgment (ECF Nos. 511, 513), consisting of Exhibits 1-15, containing redactions of confidential and/or protected business and/or financial information of the parties and/or private information for non-parties in lieu of sealing the entirety of these exhibits.

4. If necessary or required by this Court, the parties respectfully request that this Stipulation be treated as a joint motion.

5. The redacted Appendix of Exhibits and redacted Exhibits to be substituted and replaced with redacted copies to Allstate's Response to Radar Parties' Motion for Summary

Judgment Regarding Allstate's Failure to File an Answer to the Amended Counterclaims are attached to this Stipulation and Order as Exhibit A.

6. As it relates to each Exhibit:

a. **Exhibit 1:** This document was previously publicly-filed and no redactions are necessary or required;

b. **Exhibit 2:** This document was previously publicly-filed and no redactions are necessary or required;

c. **Exhibit 3:** No redactions are necessary or required, and Exhibit 3 will be publicly-filed;

d. **Exhibit 4:** The parties agree that it is appropriate to redact (i) the names and contact information of former employees of Radar Medical Group (who are non-parties to this case), (ii) financial information for the Radar Parties, and (iii) confidential business opportunities and investments for the Radar Parties. As a result, a redacted copy of Exhibit 4 is being publicly-filed with the Court;

e. **Exhibit 5:** The parties agree that it is appropriate to redact (i) private business and financial information for the Radar Parties and (ii) references to other, unrelated matters involving Allstate. As a result, a redacted copy of Exhibit 5 is being publicly-filed with the Court;

f. **Exhibit 6:** The parties agree that it is appropriate to redact (i) private business and financial information for the Radar Parties, (ii) the names of non-party patients of Radar Medical Group and/or contact information for non-parties to this case, and (iii) references to other, unrelated matters involving Allstate. As a result, a redacted copy of Exhibit 5 is being publicly-filed with the Court;

g. **Exhibit 7:** The parties agree that it is appropriate to redact (i) private business information for the expert and (ii) private business and financial information for the Radar Parties. As a result, a redacted copy of Exhibit 7 is being publicly-filed with the Court;

h. **Exhibit 8:** The parties agree that it is appropriate to redact (i) private business information for the expert, (ii) private business and financial information for the Radar

Parties, and (iii) the name of a non-party patient of Radar Medical Group. As a result, a redacted copy of Exhibit 8 is being publicly-filed with the Court;

i. **Exhibit 9:** No redactions are necessary or required, and Exhibit 9 will be publicly-filed;

j. **Exhibit 10:** No redactions are necessary or required, and Exhibit 10 will be publicly-filed;

k. **Exhibit 11:** This document was previously publicly-filed and no redactions are necessary or required;

l. **Exhibit 12:** This document was previously publicly-filed and no redactions are necessary or required;

m. **Exhibit 13:** The parties agree that it is appropriate to redact (i) private contact information for the deponent, (ii) private financial information for the Radar Parties, and (iii) references to other, unrelated matters involving Allstate. As a result, a redacted copy of Exhibit 13 is being publicly-filed with the Court;

n. **Exhibit 14:** The parties agree that it is appropriate to redact (i) private contact information for the deponent, (ii) private financial information for the Radar Parties, and (iii) references to other, unrelated matters involving Allstate. As a result, a redacted copy of Exhibit 14 is being publicly-filed with the Court; and

o. **Exhibit 15:** This document was previously publicly-filed and no redactions are necessary or required.

7. The parties maintain that compelling reasons exist to justify these redactions, beyond treatment of the information as confidential pursuant to the terms of the Stipulated Confidentiality Agreement and Protective Order (ECF No. 39). *See, e.g., Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Specifically, and as noted above:

a. The exhibits contain or reference private information related to non-parties to this case for which redaction is warranted, *see, e.g., Ansara v. Maldonado*, No. 2:19-cv-01394-GMN-VCF, 2022 WL 17253803, at *3 (D. Nev. Nov. 1, 2022); *Cox v. Lewis*, No.

2:20-cv-01792-JCM-BNW, 2022 WL 10632379, at *2 (D. Nev. Oct. 18, 2022); *Brodsky v. Baca*, No. 3:14-cv-00641-RCJ-WGC, 2015 WL 6962867, at *1 (D. Nev. Nov. 10, 2015);

b. The exhibits contain confidential business and financial information related to the Radar Parties for which redaction is warranted, *see, e.g., Boca Park Marketplace Syndications Group, LLC v. Ross Dress for Less, Inc.*, 2:16-cv-01197-RFB-PAL, 2018 WL 1524432, at *5 (D. Nev. Mar. 28, 2018); *Koninklijke Philips N.V. v. Elec-Tech Int'l Co.*, No. 14-cv-02737-BLF, 2015 WL 581574, at *2 (N.D. Cal. Feb. 10, 2015); and/or

c. The exhibits contain confidential business information related to Allstate for which redaction is warranted, *see, e.g., In re Google Location History Litig.*, 514 F. Supp. 3d 1147, 1162 (N.D. Cal. 2021); *Koninklijke Philips N.V.*, 2015 WL 581574, at *2.

8. The Court has previously recognized that similar information found in exhibits attached to the parties' briefing on summary judgment is appropriately subject to redaction. *See generally* Order, filed Feb. 28, 2023 (ECF No. 507). Such ruling aligns with prior rulings by the Court. *See* Order, filed Sept. 20, 2016 (ECF No. 67); Order, filed Apr. 4, 2017 (ECF No. 133); Order, filed Apr. 4, 2017 (ECF No. 134); Order Grant. Mots. Seal, filed Jan. 2, 2018 (ECF No. 217).

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9. For these reasons, the parties respectfully request that the Court approve this Stipulation and enter an Order redacting Exhibits 4, 5, 6, 7, 8, 13, and 14 to Allstate's Response (ECF No. 511) to the Radar Parties' Motion for Summary Judgment Regarding Allstate's Failure to File an Answer to the Amended Counterclaims (ECF No. 457).

IT IS SO STIPULATED.

Dated: March 31, 2023

Dated: March 31, 2023

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH, LLP

BAILEY KENNEDY

By: /s/ Todd W. Baxter

By: /s/ Joshua P. Gilmore

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Attorneys for Plaintiffs/Counterdefendants

ORDER

Based on the parties' Stipulation, including the specific factual findings for overcoming the public's presumptive right of access to judicial records; the standards for seeking to seal or redact documents attached to a dispositive motion pursuant to the Ninth Circuit's directives in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006), and *Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092 (9th Cir. 2016); upon balancing the competing interests of the public and the parties; and good cause appearing,

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1 **IT IS ORDERED** that the above Stipulation is **granted**.

2 **IT IS FURTHER ORDERED** that compelling reasons exist to redact Exhibits 4, 5, 6, 7, 8,
3 13, and 14 to Allstate's Response (ECF No. 511) to the Radar Parties' Motion for Summary
4 Judgment Regarding Allstate's Failure to File an Answer to the Amended Counterclaims (ECF No.
5 457).

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8 _____
UNITED STATES DISTRICT JUDGE

9 DATED: April 6, 2023
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